

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

**FOXWORTH CORPORATION
AND JAMES C. RHODEN AND
THOMAS H. RHODEN**

PLAINTIFFS

vs.

CIVIL ACTION NO. 3:06-cv-158 HTW JCS

**FEDERAL DEPOSIT INSURANCE
CORPORATION, AS RECEIVER FOR
FOXWORTH BANK**

DEFENDANTS

ORDER

THIS DAY this cause came before the Court on the Motion of the Federal Deposit Insurance Corporation (FDIC), solely in its corporate capacity, for an Order dismissing the case with prejudice. The FDIC as Receiver for Foxworth Bank is not the proper party because the Receivership was terminated October 1, 1995, and no longer exists as a legal entity. The FDIC cannot appear in the capacity in which it was named, because the Receivership no longer exists. Plaintiffs were fully advised of this matter by Notice dated June 26, 2006, and to date have not refiled or amended their complaint.

IT IS THEREFORE, ORDERED AND ADJUDGED, that this cause shall be dismissed with prejudice.

SO ORDERED AND ADJUDGED, this the 19th day of September, 2006.

s/ HENRY T. WINGATE
CHIEF UNITED STATES DISTRICT JUDGE

Presented by:

s/Martha W. McClellan for Charles L.Cope

CHARLES L. COPE

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Corporate capacity

Order of Dismissal

Civil Action No. 3:06-cv-158 WS